

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION (DANVILLE)**

IN RE:	)	Chapter 11
	)	Case No. 06-61051-WA4-11
WDRL-TV, Inc.,	)	
	)	
Debtor	)	
	)	
LIBERTY UNIVERSITY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Pro. No. 07-06092
	)	
WDRL-TV, Inc.,	)	
	)	
and	)	
	)	
MNE BROADCASTING, L.L.C.,	)	
	)	
and	)	
	)	
MELVIN N. ELEAZER	)	
	)	
Defendants.	)	

**AMENDED APPLICATION TO INTERVENE**

Charter Communications VI, LLC and Interlink Communications Partners, LLC (collectively referred to as "Charter"), by counsel, hereby submit this Amended Application to Intervene in the above-captioned adversary proceeding pursuant to Rule 7024, F. R. Bankr. Pro. and Fed. R. Civ. P. 24(a) and, in the alternative, 24(b). In support thereof, Charter states as follows:

## **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to the provisions of 28 U.S.C. §1334.
2. Venue is proper pursuant to the provisions of 28 U.S.C. §§ 1408 and 1409.
3. This is a core proceeding as defined by 28 U.S.C. §§ 157(2)(A), (M) and (O).

## **PARTIES**

4. Charter Communications VI, LLC and Interlink Communications Partners, LLC (collectively referred to as “Charter”) are the holders of an allowed unsecured claim in Case No. 06-61051-WA4-11 in the amount of \$774,577.31.
5. Liberty University Inc. (“Liberty”) is a Virginia corporation.
6. WDRL-TV, Inc. (“WDRL” or “Debtor”) is a Virginia corporation and is the debtor in possession in this Chapter 11 proceeding.
7. MNE Broadcasting, L.L.C., a/k/a MNE, LLC (“MNE”) is a Virginia limited liability company. The only known asset of MNE is MNE is the FCC license required for the operation of WDRL-TV, Inc.
8. Melvin N. Eleazer (“Eleazer”) is, upon information and belief, a resident of Virginia.
9. Eleazer is the sole shareholder, officer, and director of the Debtor, and is the alter ego of the Debtor.
10. Eleazer is the sole owner, member, and manager of MNE, and is the alter ego of MNE.

## BACKGROUND

11. On or about September 19, 2007, Liberty filed an Adversary Proceeding herein as Case No. 07-06092, asking that the court enter a declaratory judgment that:
  - (a) Sellers are in breach of both the APA and TBA;
  - (b) Sellers' material breach of the APA and TBA has not insured within the time provided in those agreements;
  - (c) Liberty has properly terminated both the APA and TBA in accordance with their terms;
  - (d) Liberty is entitled to the return of all funds currently held in the Earnest Money Escrow Account; and
  - (e) further that Liberty be granted such other relief as this Court deems appropriate.
12. On or about October 19, 2007, Charter filed an Adversary Proceeding herein, move that the Court determine and declare the rights of the parties hereto, and that it enter one or more orders holding and requiring that:
  - (a) Liberty University Inc., WDRL-TV, Inc., MNE Broadcasting, L.L.C. and Melvin N. Eleazer exercise their best efforts to take such steps as may be reasonably necessary to facilitate the Closing and disbursement described in the APA;
  - (b) Liberty University Inc., WDRL-TV, Inc., MNE Broadcasting, L.L.C. and Melvin N. Eleazer exercise their best efforts to take such steps as may be reasonably necessary to insure the payment in full of the General Unsecured Claims.

- (c) Liberty University Inc., WDRL-TV, Inc., MNE Broadcasting, L.L.C. and Melvin N. Eleazer specifically perform the duties described in the APA;
- (d) In the alternative, that the Court order the appointment of a trustee as provided by 11 U.S.C. §1104(a) to fulfill the responsibilities of the debtor in possession with regard to the APA and related agreements; and
- (e) For such other and further relief which as to equity may seem meet.

**REQUEST FOR RELIEF**

13. Charter realleges each of the allegations contained in paragraphs 1 through 12 above as if such allegations were restated herein.
14. Charter claims an interest relating to the transaction that is the subject of Adversary Proceeding No. 07-06092 filed by Liberty against WDRL-TV, Inc. and others, and Charter is so situated that the disposition of the transaction by this Court may as a practical matter impair or impede Charter's ability to protect its interest, as prescribed by Fed. R. Civ. P. 24(a), which is incorporated by Rule 7024, F. R. Bankr. Pro.
15. Charter's claim in the Adversary Proceeding filed on its behalf against Liberty, WDRL-TV, Inc., MNE Broadcasting, L.L.C., and Melvin N. Eleazer have questions of law and fact in common with those presented by Adversary Proceeding No. 07-06092 filed by Liberty against WDRL-TV, Inc. and others, as prescribed by Fed. R. Civ. P. 24(b), which is incorporated by Rule 7024 F. R. Bankr. Pro.

**WHEREFORE**, Charter Communications VI, LLC and Interlink Communications Partners, LLC, by counsel:

1. Apply pursuant to the provisions of Rule 7024, F. R. Bankr. Pro. to intervene "of right" in this adversary proceeding per Fed. R. Civ. P. 24(a), or in the alternative, to intervene in this adversary proceeding with the Court's permission as per Fed. R. Civ. P. 24(b); and
2. Move that the Court consolidate the two Adversary Proceedings for purposes of discovery and trial; and
3. For such other and further relief which as to equity may seem meet.

Date: December 5, 2007

Respectfully submitted,

CHARTER COMMUNICATIONS VI, LLC

By /s/ Steven L. Higgs  
Of Counsel

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## CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was mailed by first class mail, postage prepaid, or served electronically on December 5, 2007 to:

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